

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

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LS  
11/21/03

APPLICANT(s): Kalliokulju et al.

SERIAL NO.: 09/443,262

ART UNIT: 2682

FILING DATE: 11/22/99

EXAMINER: Ly, Nghi H.

TITLE: METHOD AND ARRANGEMENT FOR AVOIDING LOSS OF  
ERROR-CRITICAL NON REAL TIME DATA DURING  
CERTAIN HANDOVERS

ATTORNEY

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Commissioner of Patents

P.O. Box 1450

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**APPELLANTS' REPLY BRIEF**  
**(37 C.F.R. §1.193(b)1)**

As the Examiner expressly admits in the first sentence of the last paragraph of page 3 of the Examiner's Answer, Winnett does not disclose suspending non-real time connections for the duration of a handover.

He cites col. 2, lines 24-25, of Jayapalan for this feature. However, these lines merely disclose a mobile fax system. As explained in detail in the appeal brief, this does not mean a non-real time system even though a buffer is present.

Also, the applicants explicitly require in the present claims, "...in the order recited...", i.e., that the suspension becomes

effective before the beginning of the actual handover process. This is also not in the references as the Examiner expressly admits in the last paragraph of page 3. While he states that this ordering concept is found in Jayapalan, he does not provide a citation for it. Thus there is no clear teaching of this concept.

In summary, claim 1 recites "non-real time" (3 times) and "in the order recited", i.e., suspension is done before handover. These limitations define over the Whinnett and Jayapalan even when taken in combination. Therefore claims 1 and 9 are unobvious under 35 U.S.C. 103 on this combination of references.

Since the admitted prior art, Frodigh, and Kanerova also fail to disclose or suggest these features, the rejections of claims 5-8 under 35 USC 103 on them in combination with the above references should be withdrawn.

#### CONCLUSION

In conclusion, for all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, this honorable Board is respectfully requested to reverse the decision of the Examiner.

The Commissioner is hereby authorized to charge payment for any additional fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

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Nov 5, 2003  
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